

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY HARLAN,

Defendant.

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8:11CR258

ORDER

This matter is before the court on the Petition for Action on Conditions of Pretrial Release (Petition) regarding defendant Anthony Harlan (Harlan) (Filing No. 38). On September 13, 2011, Harlan was ordered released upon conditions pending further proceedings (Filing No. 27). Harlan was to reside in Omaha, Nebraska, subject to electronic monitoring and abide by other conditions of release. On October 21, 2011, Pretrial Services Officer Lisa M. Caviness submitted a Petition alleging Harlan had violated the conditions of his release by removing his electronic monitoring device and absconding from supervision. A warrant for Harlan's arrest was issued.

Harlan appeared before the undersigned magistrate judge on November 14, 2011. He was represented by Julie M. Frank and the United States was represented by Assistant U.S. Attorney David M. Wear. After being advised of the nature of the allegations, his rights, and the consequences if the allegations were found to be true, Harlan admitted the allegations. The court finds the allegations of the Petition are generally true and Harlan has violated the conditions of his release.

The court took judicial notice of the Pretrial Services Violation Report (Filing No. 43 - Sealed). After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I find the Order Setting Conditions of Release should be revoked. Harlan has demonstrated he is unable to comply with rules of his release.

IT IS ORDERED:

1. The Petition For Action on Conditions of Pretrial Release (Filing No. 38) is granted.
2. The September 13, 2011, Order Setting Conditions of Release of Anthony Harlan (Filing No. 27) is hereby revoked.
3. The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 14th day of November, 2011.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge